

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. \_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CERTIFICATION OF A
	)	SEXUALLY DANGEROUS PERSON
GERALD WAYNE TIMMS,	)	
Register Number 54292-004,	)	
	)	
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 23rd day of October, 2008.

George E. B. Holding  
United States Attorney

BY: /s/ Michael Bredenberg  
Michael Bredenberg  
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Civil Division  
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N.C. Bar # 26068

CERTIFICATE OF SERVICE

This is to certify that I have this 23rd day of October, 2008, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Gerald Wayne Timms  
Reg. No. 54292-004  
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender  
150 Fayetteville Street Mall  
Suite 450  
Raleigh, North Carolina 27601

/s/ Michael Bredenberg  
Michael Bredenberg  
Special Assistant U.S. Attorney  
Civil Division

**CERTIFICATION OF A SEXUALLY DANGEROUS PERSON**

(1) I, Anthony A. Jimenez, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Gerald Wayne Timms, Register Number 54292-004, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 100-month term of imprisonment and a three-year term of supervised release, following his conviction for Receipt of Material by Mail Involving the Sexual Exploitation of Children, in violation of 18 U.S.C. § 2252A(a)(2) (S.D. Fla.) (Case No. 00-14060-CR-MIDDLEBROOKS-01). His projected release date is November 11, 2008.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced

by his prior convictions for: Second Degree Murder, in the Fifteenth Judicial Circuit Court, Palm Beach County, Florida (Case No. 87-11516-CF). During consensual sex with the victim, inmate Timms pulled out a knife and began cutting off the victim's clothing. When he cut the victim's abdomen, causing her to bleed, the victim struggled with inmate Timms, who hit her in the chest and throat. Believing the victim had passed out, inmate Timms continued to have vaginal sex with the victim until ejaculation. He then flipped the victim over and had anal sex with her until he felt her body go completely limp and realized she had expired. Inmate was also previously convicted of Sexual Battery, in the Fifteenth Judicial Circuit Court, Palm Beach County, Florida (Case No. 87-11515-CF). Seventeen days after committing the aforementioned offense, inmate Timms drove a female acquaintance of the murder victim to a wooded area, grabbed her by the throat, forced her to take her pants off and lay down on the front seat of the car, vaginally raped her, forced her to perform oral sex, threatened to kill her, and told her that he had been with the murder victim when she died;

(b) A limited psychological review indicated Axis I diagnoses of Pedophilia, Sexually Attracted to Females,

Nonexclusive Type; Sexual Sadism (provisional); and Marijuana Abuse; Axis II diagnosis of Antisocial Personality Disorder;

(c) An initial assessment of him using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to his current and prior offense conduct, ongoing potential for relapse of drug/alcohol use, paraphilic versatility, evidence of psychopathy, revocation or failure to meet the stipulations of conditional release, and a history of reoffending within a short period of time following release from incarceration, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Anthony A. Jimenez  
Chairperson  
Certification Review Panel  
Federal Bureau of Prisons

6/2/2008

Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. \_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
GERALD WAYNE TIMMS,	)	
Register Number 54292-004,	)	
	)	
Respondent.	)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at \_\_\_\_\_ AM/PM on \_\_\_\_\_. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This \_\_\_\_ day of \_\_\_\_\_, 2008.

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W. EARL BRITT  
Senior U.S. District Judge